

**PROPOSED VOIR DIRE QUESTIONS FOR THE TRIAL OF JOHN
DAVID YODER**

General Background

What is your full name and age?

Place of birth?

Where were you raised?

Current residence and length of residency?

Present relationship status?

What do you do for a living?

How long have you worked there?

What is your job title and duties?

Do you currently or have you supervised others?

What is your spouse's/partner's/roommate's occupation and place of employment?

Do you have children or grandchildren?

Are any of them special needs children?

If so, please tell us what challenges you face with raising or caring for them?

What is or was your father's occupation?

Your mother's occupation?

What is your educational background?

Do you have any education or training in the legal field?

Law enforcement or investigations?

Have you or your spouse ever served in the military?

Do you have any health issues that could interfere with your ability to serve as a juror?

Jury Service

Have you ever been a juror before?

Was it for a civil or a criminal matter?

What was the nature of the case you served on?

Did the jury reach a verdict?

Were you ever the jury foreperson?

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2 How would you describe your experience being a juror?

3 Do you know anyone on this current jury panel?

4 If you were accused of the same crimes as Mr. Yoder, would you want someone such as
5 yourself on this jury?

6 Do you feel that there are some cases in which you could be fair and unbiased as a juror and
others in which you could not?

7 **Interests**

8 Have you or a close family member ever been involved in community service programs?

9 If so, what kinds?

10 Have you ever volunteered for any social service organizations such as a battered women's
11 shelter, rape crisis center, homeless shelters or similar?

12 Have you ever belonged to a support group?

13 If so, what type?

14 **Experience with the Court and Criminal Justice System**

15 Have you ever had any direct dealings with law enforcement?

16 If so, was the experience generally pleasant or unpleasant?

17 Do you have any close friends or family members who work in the criminal justice field as
attorney's, judges, probation officers or court personnel?

18 What are your feelings or opinions about criminal defense attorneys?

19 Have you ever had a bad experience with a criminal defense attorney?

20 What are your feelings about prosecutors?

21 Have you ever had a bad experience with a prosecuting attorney?

22 **Attitudes and the Law**

23 As a juror, you will be asked to decide whether the evidence proves that the person accused in
24 this case, John David Yoder, committed the crimes with which he is charged.

25 The fact that a defendant has been arrested, charged with a crime, and brought to trial is not
26 evidence that the defendant is guilty. The law requires that a person accused of a crime in a
criminal proceeding be presumed not guilty unless and until the contrary is proven beyond a
reasonable doubt.

27 The burden of proving beyond a reasonable doubt is not on the prosecution and it remains with
28 the prosecution throughout the case. The defense is not required to present any evidence or to
prove any fact.

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2 Since a defendant is presumed to be not guilty, he does not have to prove anything.
3 Specifically, that means a defendant has a constitutional right not to testify.

4 To what extent do you personally agree or disagree with the law that the accused is presumed
5 innocent throughout the trial and may not be considered otherwise unless and until a jury finds
6 there is enough proof to convince them he is guilty?

7 The burden of proof lies with the prosecution to prove their case against John David Yoder. To
8 have the burden of proof means that the prosecution must prove their case against Mr. Yoder
9 and the defense has no obligation to prove Mr. Yoder's innocence.

10 To what extent do you personally agree or disagree with the law that the burden of proof is on
11 the prosecution?

12 Do you feel the defense should have to prove Mr. Yoder's innocence?

13 If Mr. Yoder decides not to testify, would this affect your belief in his innocence or guilt?

14 The law states that a defendant's failure to testify cannot be used as evidence of guilt or for any
15 other purpose.

16 Would you find it difficult to follow the law in this case?

17 **Logic and Emotion**

18 When an important decision is to be made, some people rely on logic and others on emotion.

19 How would you describe your decision making when it comes to making important decisions?

20 Do you make a list of pros and cons and weight your r options or are you more of a "go by your
21 gut" kind of person?

22 **Sexual Orientation**

23 The defendant, Mr. Yoder, is homosexual. Testimony may be elicited regarding the sexual
24 orientation of the defendant.

25 Do you perceive that homosexuals are more or less likely to commit crimes or engage in
26 criminal conduct?

27 When you hear of cases concerning child pornography, do you automatically think that the
28 defendant is probably a gay man?

Have you or close family member or friend ever made a derogatory comment or joke about a
gay person?

Have you or close family members or friends ever felt uncomfortable in the presence of a
homosexual person?

Have you or a close family member or friend ever avoided television programs where
homosexuals would be depicted?

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1 Have you or a close family member or friend ever remarked about or objected to the
2 demonstration of gay civil marriages?

3 Are you conscious of any prejudice or bias against homosexuals?

4 **Child Exploitation and Pornography**

5 Would you agree that there are some crimes that make people so angry that just because a
6 person is accused of the crime, they believe he is guilty?

7 Why do you feel this way?

8 It would be unusual not to know someone who has at some time in their life been molested, had
9 unwanted sexual contact or was raped. It is important that we know what kind of experiences
10 you have had or someone that you know has had along those lines. We can speak in chambers if
11 you would like to discuss this privately.

12 Have you, any family member or close friend ever had a bad experience of a sexual nature with
13 anyone?

14 How does this experience affect your feelings of someone accused of an offense of a sexual
15 nature?

16 Do you personally know anyone who has ever been accused of sexual abuse or molestation?

17 If yes, was there an arrest?

18 How do you feel about the incident now?

19 Considering that experience, how would you feel about serving as a juror in this case?

20 Have you ever downloaded or viewed child pornography images, photographs or videos?

21 Do you know anyone who has ever viewed child pornography?

22 Have you ever viewed child erotica images, photographs, or videos?

23 Do you know of anyone who has ever viewed child erotica or has been sexually attracted to
24 children?

25 **False Accusations**

26 Have you ever been falsely accused of something?

27 Can you give me an example of what that accusation was and how it made you feel?

28 Was it easy or difficult for you to convince this person that you had not done anything wrong?

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Life, Friends and Trust

Have you ever felt overwhelmed by your life whether it was your job, your children, your finances or maybe all of the these at once?

Were you able to ask for help from family and friends?

Did you ever find yourself befriending someone because of your difficult situation and regretting your decision to do so later?

Have you ever had a friend or acquaintance lie to you about an important matter?

Have you ever been the victim of a scam or fraud?

If so, was it easy for the person who scammed you to gain your trust?

Do people tell you that you are too trusting?

Were you ever put in a bad position because of someone else's lies?

Did you suffer consequences because of your misplaced trust in another?

Have you ever found out that someone you thought you knew was engaged in behaviors that you were either criminal or otherwise despicable to you?

If so, did you immediately report them to the police? If not, why not?

Miscellaneous


Do you have any deeply held religious or spiritual beliefs that would make it difficult for you to be a juror in this matter?

Do you already have a belief that Mr. Yoder is guilty of the crimes he is charged with?

Is there anything else that we should know about you that could affect your ability to be a fair and unbiased juror in this case?

DATED: March 9, 2017

Respectfully submitted,
Dolan Law Offices


JOHN PATRICK DOLAN
Attorney for the Defendant
JOHN DAVID YODER

PROOF OF SERVICE

STATE OF NEVADA, COUNTY OF CLARK

I, Kelli Pyne McDowell, declare:

I am over the age of 18, not a party to this action, and am employed in Riverside County at 45-290 Fargo St., Indio, CA 92201.

On March 9, 2017, I delivered a true copy of the **PROPOSED VOIR DIRE QUESTIONS** to the following interested parties:

United States Attorney's Office

Ms. Lisa Cartier-Giroux

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Federal Public Defender

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Gamage & Gamage


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 X **(BY EMAIL)** I sent by EMAIL the above-referenced document on the date noted below to the appropriate EMAIL ADDRESSES.

 (BY HAND) I served a copy of the above-referenced document on the date noted below to the appropriate party.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 9, 2017.


Kelli Pyne McDowell